

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
JULY 3, 2006
6:30 P.M.**

The Brunswick County Board of Commissioners met in Regular Session on the above date at 6:30 p.m., Commissioners' Chambers, Central Services Building, County Government Center, Bolivia, North Carolina.

PRESENT: Commissioner David Sandifer, Chairman
Commissioner Phil Norris, Vice-Chairman
Commissioner May Moore
Commissioner Tom B. Rabon, Sr.
Commissioner William M. Sue

STAFF: Marty K. Lawing, County Manager
Steve Stone, Assistant County Manager
Huey Marshall, County Attorney
Jana Berg, Assistant County Attorney
Debby Gore, Clerk to the Board
Ann Hardy, Fiscal Operations Director

Sergeant Mark Trull

I. CALL TO ORDER

Chairman Sandifer called the meeting to order at 6:30 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE

Commissioner Moore gave the Invocation and led the Pledge of Allegiance.

III. ADJUSTMENTS/APPROVAL OF AGENDA

Chairman Sandifer asked if there were any adjustments to the agenda. There were no adjustments to the agenda.

Commissioner Moore moved to approve the agenda. The vote of approval was unanimous.

IV. PUBLIC COMMENTS

Chairman Sandifer asked if there was anyone in the audience who wished to speak regarding any item on the agenda or any matter that was not included in the agenda. There were no comments from the audience.

V. APPROVAL OF CONSENT AGENDA

Commissioner Sue moved to approve the Consent Agenda. The vote of approval was unanimous. The following items were approved:

A. Minutes

1. June 19, 2006 Regular Meeting Minutes

B. Finance (EB52-1)

- 1) General Fund Amendment Number 1-Increase \$35,000

A US Department of Homeland Security reimbursement based grant was approved by the Board of Commissioners on June 19, 2006. Staff recommends appropriation of the grant award in the amount of \$35,000 for training expenses \$15,000 and contract services of \$20,000 in the Emergency Management department budget. The amendment does not require the appropriation of any local county funds.

- 2) Wastewater Fund Number 1-Transfer to Wastewater Capital Project \$36,000

Wastewater Capital Project Fund Number 1-Complex and BCC Pump Station Project \$36,000

Staff recommends an appropriation from the Wastewater Fund of \$36,000 for change order number 1 with Alderman Brothers in the amount of \$36,000 for re-routing of an existing 4" sewer force main to allow for the Jail Expansion Project. The amendment requires the appropriation of contingency funds in the wastewater fund.

3) County Capital Reserve Fund Number 1-Transfer to Capital Project \$25,000

County Capital Project Fund Number 1- Complex Road Project \$25,000

Staff recommends an appropriation from the County Capital Reserve designated for the Complex Road Project of \$25,000 to establish funds for initial complex road project related expenditures and capital project ordinance in the County Capital Project Fund. The amendment does not require the appropriation of any additional local county funds.

4) Report of Budget Transfers

A budget transfer of \$20,000 was made to reduce the Board of Elections FY 06/07 budget and transfer the funds to the non-departmental budget.

C. Utilities Generator (EB52-2)

Public Utility Staff requests approval to purchase Generator (205 kW) from Sure-Gen in the amount of \$39,385.

D. Sewer Transmission Reimbursement Agreement (EB52-3)

Staff requests approval of a Sewer Transmission Reimbursement Agreement for Goose Marsh.

E. MOA Lower Cape Fear River Program (EB52-4)

Staff requests approval of a MOA with the Lower Cape Fear River Program.

VI. PRESENTATION

1. End of Year Collection Results (EB52-5)

Tom Bagby and Ken Perry presented the End of Year Collection Report.

VII. PUBLIC HEARING

1. Planning – Map Amendment Z-06-08 (L. Bell) (EB52-6)

CALL TO ORDER

Chairman Sandifer called the Public Hearing to order at 6:39 p.m. and announced that the purpose of the hearing was to receive comments regarding the Proposed Map Amendment Z-06-08.

Leslie Bell, Planning Director explained the following:

Item 1 (Map Amendment Z-500 – Susan Greene Colby)

Item 1 is a map amendment initiated by the property owner. This change from RU (Rural) to C-LD (Commercial Low Density) would allow for commercial use of Tax Parcel 20300029, located at 2768 and 2780 Greenwood Circle, Bolivia NC.

The area proposed for rezoning totals 23.21 acres.

Planning Board recommends approval for Tax Parcel 20300029 (6 to 0 with Mrs. Gilbert being absent from the meeting).

Item 2 (Map Amendment Z-501 – JLM Enterprises)

Item 2 is a map amendment initiated by the property owner. This change from RU (Rural) to C-LD (Commercial Low Density) would allow for commercial use of Tax Parcel 20900028, located at 1636 Ash-Little River Road and 1089 E.F. Hudson Lane, Ash NC.

The area proposed for rezoning totals 2.858 acres.

Planning Board recommends approval for Tax Parcel 20900028 (6 to 0 with Mrs. Gilbert being absent from the meeting).

Item 3 (Map Amendment Z-502 – Carlos & Norma Maldonado)

Item 3 is a map amendment initiated by the property owner. This change from R-6000 (Medium Density Residential) to C-LD (Commercial Low Density) would allow for commercial use of Tax Parcel 0470002005, located at 119 Lanvale Road, Leland NC.

The area proposed for rezoning totals 0.469 acres.

Planning Board recommends approval of Tax Parcel 0470002005 (6 to 0 with Mrs. Gilbert being absent from this meeting).

Item 4 (Map Amendment Z-503 – Richard A. Thorsen, Sr.)

Item 4 is a map amendment initiated by the property owner. This change from R-7500 (Low Density Residential) to NC (Neighborhood Commercial) would allow for commercial use of Tax Parcel 21400100. Beginning at the southeastern quadrant of Bay Road SW (SR 1151) and Village Point Road SW (SR 1145), and continuing 370 feet southwest fronting Bay Road, 178.51

feet southeast, 207.65 feet northeast and 124.66 feet northwest fronting Village Point Road to the point of origin.

The area proposed for rezoning totals 0.81 acres.

Planning Board recommends approval for Tax Parcel 21400100 (6 to 0 with Mrs. Gilbert being absent from the meeting).

Item 5 (Map Amendment Z-505 – DEKE Properties, LLC)

Item 5 is a map amendment initiated by the property owner. This change from RU (Rural) to R-7500 (Low Density Residential) would allow for residential use of Tax Parcels 1701A010, 1701A1001, 1701A011 and 1700001703 (Requested by the Applicant) and 1700001732 (Added by Staff). Beginning 664 feet northeast of the northwest quadrant of Old Lennon Road (SR 1504) and Clemmons Road SE (SR 1505), 2294.68 feet east along Clemmons Road, 2144.25 feet northeast, 334.53 feet northwest, 435.1 feet northeast, 688.86 feet northwest fronting Gilbert Road SE, 436.6 feet southwest, 2727.11 feet northwest and 4671.45 feet southwest to the point of origin.

The calculated area proposed for rezoning totals 188.69 acres.

Planning Board recommends approval for Tax Parcels 1701A010, 1701A1001, 1701A011, 1700001703, and 1700001732 (6 to 0 with Mrs. Gilbert being absent from the meeting).

Item 6 (Map Amendment Z-506 – Hilton M. Jones)

Item 6 is a map amendment initiated by the property owner. This change from R-6000 (Medium Density Residential) to C-LD (Commercial Low Density) would allow for commercial use of the rear portion of Tax Parcels 232GB001, 232GB00101 and 232GB00102 (Requested by the Applicant) and the rear portion of 232GA037 (Added by Staff). These parcels are located at 3066 Holden Beach Road (NC 130), 3100 Holden Beach Road, 2779 Henry's Drive SW and 2783 Henry's Drive SW.

The calculated area proposed for rezoning totals 5.50 acres.

Planning Board recommends approval for the rear portion of Tax Parcels 232GB001, 232GB00101, 232GB00102 and the rear portion of 232GA037 (5 to 1 with Dr. Flythe opposing and Mrs. Gilbert being absent from the meeting).

Item 7 (Map Amendment Z-507 – MAS Properties, LLC)

Item 7 is a map amendment initiated by the property owner. This change from RU (Rural) to R-7500 (Low Density Residential) would allow for residential use of the northern portion of Tax Parcel 24400022. Beginning 925.42 feet southwest of the southwest quadrant of Hughes Trail SW and Hale Swamp Road (SR 1154), continuing 548.14 feet southwest along the Ocean Isle Beach Extraterritorial Jurisdiction (ETJ) line, 2747.71 feet north, 225.53 feet east and 2487.78 feet south to the point of origin.

The calculated area proposed for rezoning totals 22.75 acres.

Planning Board recommends approval for Tax Parcel 24400022 (6 to 0 with Mrs. Gilbert being absent from the meeting).

PUBLIC COMMENTS

Chairman Sandifer asked if there were any comments from the audience. The following citizens addressed the Board:

1. Susan Colby, owner of the property included in Item 1, stated that the surrounding properties have been rezoned to CLD and with this being a transitional area she wishes to do the same.
2. Bill Batuyios, owns property at Midway Road and favors the rezoning in Item 1.
3. Greg Supsura spoke against Item 2 stating that the residents in this area do not want a storage facility near their home to change the appearance of their residential neighborhood.
4. Jerri Normandt, property owner of Item 2 stated that she is spending \$1.6 million to convert an old oyster house into a storage facility and surrounding residents will be proud of the facility.
5. Ray Purgason spoke against Item 4 and handed a petition with 22 names in opposition of the rezoning. Mr. Perguson voiced concerns with increased traffic, bright lights, vandalism and possible alcoholic beverage sales from the proposed facility.
6. Stephanie Thorsen stated her father owns the property included in Item 4 and states that they will not sell alcoholic beverages to underage persons and will close the store by 9:00 p.m.
7. Laurie Butterworth owns property near the proposed rezoning in Item 4 and voiced opposition stating that the owners could come back at a later date and install gas pumps and worries about alcohol sales in the residential area along with increased traffic and litter.
8. Jerry Haire, representing the applicant in Item 5 stated that the request for the rezoning is reasonable in keeping with the land use pattern in that area and there are no specific plans at this time.
9. Hilton Jones, owner of the property in Item 6 stated he requested the rezoning to make the entire plot C-LD.

10. Perry Benfield owns adjoining property in Item 6 and opposes the rezoning and wants the area to remain residential stating that he has grandchildren that he wants to pass the property to in the future.

11. Tom Young Jr. stated he was the buyer of the property in Item 6 and will have a buffer to separate parcels.

12. Emma Lee Clawson owns adjoining property in Item 6 and wants the area to remain residential stating there is a car lot already located near her home and there are small children in the area that play outside.

13. Sheldon Tucker, representing MAS properties stated that the requested rezoning in Item 6 will be included in Ocean Isle Palms.

ADJOURN

Commissioner Sue moved to adjourn the Public Hearing at 7:03 p.m. The vote of approval was unanimous.

VIII. ADMINISTRATIVE REPORT

1. Planning – Map Amendment Z-06-08 - (*Leslie Bell*) (EB52-7)

Staff recommends that the Board of Commissioners approve Second Reading and Adoption of Map Amendment Z-06-08.

Commissioner Sue moved to approve Second Reading and Adoption of Map Amendment Z-06-08 and approve the recommendations of the Planning Board in Item 1 thru 7 as they are consistent with findings as set out in the attachments contained in the Commissioners packet. The vote of approval was unanimous.

2. Planning – Map Amendment Z-06-09 - (*Leslie Bell*) (EB52-8)

Staff recommends that the Board of Commissioners approve First Reading and set a Public Hearing for August 7, 2006 at 6:30 p.m. for proposed Map Amendment Z-06-09.

Commissioner Moore moved to approve First Reading and set a Public Hearing for August 7, 2006 at 6:30 p.m. for proposed Map Amendment Z-06-09. The vote of approval was unanimous.

3. Planning – UDO Contract Addendum - (*Leslie Bell*) (EB52-9)

Staff recommends that the Board of Commissioners approve the Unified Development Ordinance (UDO) Contract Addendum for additional workshop and revisions.

Leslie Bell, Planning Director explained that Staff requests approval of the Unified Development Ordinance (UDO) Contract Addendum for additional services for an additional workshop and preparation of Adoption Draft of the UDO, not to exceed \$10,050. This Contract Addendum (as an extension of the initial contract signed with Duncan Associates in 2004) follows two public hearings, five neighborhood meetings and other public input/comment(s) received on the proposed UDO draft document. The tentative scheduled date for the post draft UDO workshop is August 2 and 3, 2006. Any further drafts of the UDO will be redlined to show any recommended revisions. The primary purpose of the workshop is to discuss and/or present certain alternatives and receive direction on further policy considerations.

Additional funding beyond approved FY 2006-07 budget is not necessary. Current funding is sufficient.

Commissioner Sue moved to approve the Unified Development Ordinance (UDO) Contract Addendum for additional workshops and revisions. The vote of approval was unanimous.

4. Tax – 2007 Tax Revaluation Contract - (*Tom Bagby*) (EB52-10)

Staff recommends that the Board of Commissioners approve a contract with W.P.F., Inc., to assist with the 2007 tax revaluation.

Tom Bagby, Tax Supervisor explained that to satisfactorily complete the 2007 Revaluation, Staff requests assistance from and outside company W.P.F. Inc. Mr. Ferriss has been utilized here previously and in other North Carolina counties.

Vice-Chairman Norris moved to approve the contract to hire W. P. F., Inc. (William P. Ferriss, SRA CAE) to assist with the 2007 Tax Revaluation for Brunswick County and the associated Budget Amendment. The vote of approval was unanimous.

5. Parks & Recreation – Bathroom Facilities – Town Creek Nature Park - (*George Page*)

Staff recommends that the Board of Commissioners approve the purchase of a bathroom for Town Creek Nature Park in the amount of \$56,843.70.

George Page, Parks and Recreation Director explained that in September of 2004, the county was awarded a (80/20 match) \$50,000 State Trails Grant for a bathroom at the Town Creek Nature Park. After the bathroom is installed the county will be reimbursed \$45,474.96 from the State Trails office. The county's contribution will be \$11,368.74 for the bathroom.

Commissioner Rabon moved to approve the purchase of a bathroom for Town Creek Nature Park in the amount of \$54,843.70 and the associated Budget Amendment. The vote of approval was unanimous. **(EB52-11)**

6. Utilities – Public Utilities Field Operations Center - Contract for Design Services- (Jerry Pierce) (EB52-12)

Staff recommends that the Board of Commissioners approve a contract with Pease Associates, Architects-Engineers, for the design services associated with the proposed Public Utilities Field Operations Center.

Jerry Pierce, Utilities Director explained that a new Public Utilities Field Operations Center that consolidates the Public Utilities crews, equipment, and supplies is proposed for construction. After meeting with the Public Utilities staff and determining the actual space currently occupied by the divisions that would relocate to the new facility, it was determined that a 22,000 sq. ft. building would be needed to provide office space, shop space, warehouse space, locker rooms, break rooms, and other uses. Also, the new facility would have parking areas for vehicles, outside storage for materials, and sheltered storage for critical equipment such as the vacuum truck and generators.

The County solicited proposals from eight architectural firms for services associated with the new Public Utilities Field Operations Center. Four firms submitted a proposal to the County for consideration. After reviewing all the proposals, Pease Associates was selected as the best firm. Under the terms of the negotiated final scope of work, Pease will develop the facility's space plan, provide a schematic design, develop a final design, prepare construction documents including plans and specifications, and provide bidding services. The scope also includes detailed cost estimation. The contract amount based upon this scope of work is \$222,000.

Vice-Chairman Norris moved to approve a contract with Pease Associates, Architects-Engineers, for the design services associated with the proposed Public Utilities Field Operations Center and the associated Budget Amendment and Capital Project Ordinance. The vote of approval was unanimous.

7. Memorandum of Understanding – Short-term Use of Shallotte Personnel - (Jerry Pierce)

Staff recommends that the Board of Commissioners approve the Agreement between Brunswick County and the Town of Shallotte for Interim Staffing for the Wastewater Plant Operation.

Jerry Pierce, Utilities Director explained that under the terms of the Sewer Service Agreement with the Town of Shallotte, Brunswick County assumes operation of the Town of Shallotte Wastewater Treatment Plant effective July 3, 2006. Also under the terms of the Sewer Service Agreement, the County agreed to offer employment to the two Town of Shallotte employees who currently operate the plant and they have elected to remain Town of Shallotte employees. As a result, the County must advertise, select, and hire employees to replace these two employees. The process to advertise, select, and hire new employees will take several months so the Town has agreed to allow the current employees to continue to operate the plant after the County assumes operational responsibility.

The proposed agreement provides for the reimbursement of the actual cost of the employees paid by the Town of Shallotte. The agreement states that the employees would work under the direction of the County's Wastewater Treatment Superintendent. The Town of Shallotte would be responsible for providing worker's compensation insurance on the employees.

Commissioner Sue moved to approve the Agreement between Brunswick County and the Town of Shallotte for Interim Staffing for the Wastewater Plant Operation. The vote of approval was unanimous. **(EB52-13)**

8. State Employees Credit Union Lease Agreement - (Marty Lawing) (EB52-14)

Staff recommends that the Board of Commissioners approve three-year extension to the lease with State Employees Credit Union.

Marty Lawing, County Manager explained that the County entered into a new lease agreement with the State Employees Credit Union for the site occupied by the ATM Kiosk (Cash Points) that became effective on October 1, 2003. The initial term of the lease was three years, which will expire on September 30, 2006. The Credit Union has requested to exercise their first three-year renewal option. The SECU pays no rent to the County for this site. The machine is a convenience for county employees and visitors to the Government Center.

Commissioner Moore moved to approve the first three-year extension to the lease with the State Employees Credit Union. The vote of approval was unanimous.

9. West Regional Wastewater Plant – Final Adjusting Change Order – Contracts 3 & 4 (*Marty Lawing*) (EB52-15)

Staff recommends that the Board of Commissioners approve the final adjusting change orders for Contracts No. 3 and No. 4 with State Utility Contractors, Inc.

Marty Lawing, County Manager explained that Contract No. 3 consists of the construction of 20” and 24” sewer force main lines on Mt. Pisgah Road and along US Highway 17 to the Water Reclamation Facility. The original contract price was \$3,049,882. Potential savings and value engineering reductions were identified after the contract was approved totaling \$127,544 that was mutually agreed upon by the contractor, the engineers and the county. During the construction the contractor encountered problems in the field that required additional work and changes in the work from the project as originally bid that exceeded \$200,000. Following completion of the project county staff agreed to recommend to the Board of Commissioners a final adjusting change order that would result in total payments for contract No. 3 not to exceed the original contract price of \$3,049,882.

Contract No. 4 consisted of the construction of 16”, 18” and 20” sewer force main lines on NC 130 and Boonesneck Road. The original contract price was \$3,068,180. Reductions in the original contract amount were identified after contract award primarily related to the elimination of the restrained joint pipe included in the construction specifications and totaled \$413,772. Other changes that resulted in increases were additional horizontal directional drilling near Oyster Harbour to avoid the destruction of live oak trees (\$39,000) and additional material and asphalt road repairs and clearing required as the result of field changes made as the result of inadequate right of way to work within and other utility and underground obstructions (\$46,095). These changes resulted in a net final adjusting change order of \$328,677 and a final recommended contract total of \$2,739,503.

Vice-Chairman Norris moved to approve the final adjusting change orders for Contracts No. 3 and No. 4 with State Utility Contractors, Inc. The vote of approval was unanimous.

10. Public Housing Construction Contract Award CHAF Program (*Sylvester Ballard*)

Staff recommends that the Board of Commissioners approve 10 construction contracts with Jamison Builders for replacement homes under the CHAF program.

The County was awarded a CHAF program of \$4,390,602.00 to repair or replace homes damaged in the tropical weather events of the past two years. As part of the program, informal bids were solicited from housing contractors to build site-built replacement homes for \$75,000 or less (the maximum replacement cost allowed per the program). Several contractors responded with multiple floor plans that could be built within the program guidelines. Public Housing staff presented the floor plans to the approved project participants, and allowed the participants to select the plan that best meet their needs. The low bidder on the homes, Jamison Builders of Durham, will build any of the models for \$74,500. The County will hold a lien on the home for 10 years. During the 10 year period the owner must repay the County if they dispose of the home.

Commissioner Sue moved to approve ten construction contracts with Jamison Builders for replacement homes under the CHAF program. The vote of approval was unanimous. (EB52-16)

IX. BOARD APPOINTMENTS

1. Fire Protection Oversight Committee

Vice-Chairman Norris moved to table this item until the next Regular Meeting. The vote of approval was unanimous.

2. Region O Area Agency on Aging (AAA) Advisory Council (District 3 and at-large)

Commissioner Moore nominated Irene Hankins and Elsie Hinkhouse. Vice-Chairman Norris moved to close the nominations. The vote of approval was unanimous. Vice-Chairman Norris moved to approve the appointments of Hankins and Hinkhouse. The vote of approval was unanimous. Ms. Hankins will fill the unexpired term of Carolyn Price (resigned) that will expire on June 30, 2007. Ms. Hinkhouse (at-large) will fill the unexpired term of Gloria Jones (resigned) that will expire on June 30, 2007.

3. Brunswick County Nursing and Adult Care Home Advisory Committee (2 at-large)

Commissioner Moore nominated Rosemary Chachowski and Laura Liggett. Vice-Chairman Norris moved to close the nominations. The vote of approval was unanimous. Vice-Chairman Norris moved to approve the appointments of Rosemary Chachowski and Laura Liggett. The vote of approval was unanimous. Ms. Chachowski will serve another 3-year term that will expire July 1, 2009. Ms. Liggett will serve another 3-year term that will expire July 1, 2009.

X. COUNTY ATTORNEY'S REPORT

1. Deed of Dedication Mariners Pointe (EB52-17)

Huey Marshall, County Attorney explained that these lines are ready for acceptance into the County system.

Commissioner Moore moved to approve the Deed of Dedication from Bill Clark Homes of Wilmington, LLC for water lines for Mariners Pointe Subdivision. The vote of approval was unanimous.

2. Closed Session

7:33 p.m. Vice-Chairman Norris moved to enter Closed Session pursuant to NCGS 143-318.11 (a) (4) Attorney/Client privilege to discuss business enterprise exception topics. The vote of approval was unanimous.

BREAK The Chairman called a ten minute break.

8:14 p.m. Chairman Sandifer called the Open Session back to order and announced that there was no action taken in Closed Session.

XI. OTHER BUSINESS/INFORMAL DISCUSSION

There was no other business to discuss.

XII. ADJOURNMENT

Commissioner Sue moved to adjourn the Regular Meeting at 8:15 p.m. The vote of approval was unanimous.

David R. Sandifer, Chairman

Deborah (Debby) Gore, Clerk to the Board